



Universiteit  
Leiden  
The Netherlands

## **A comprehensive approach to the study of electoral reform: An analysis of Chile's road to electoral reform (1989-2015)**

Niemann Peralta, P.V.

### **Citation**

Niemann Peralta, P. V. (2021, February 24). *A comprehensive approach to the study of electoral reform: An analysis of Chile's road to electoral reform (1989-2015)*. Retrieved from <https://hdl.handle.net/1887/3142394>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/3142394>

**Note:** To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <https://hdl.handle.net/1887/3142394> holds various files of this Leiden University dissertation.

**Author:** Niemann Peralta, P.V.

**Title:** A comprehensive approach to the study of electoral reform: An analysis of Chile's road to electoral reform (1989-2015)

**Issue Date:** 2021-02-24

## Chapter 4

### The Last Stage of Reform: The Role of Contingency

While Chapter 3 portrayed the gradual enabling of the inherent conditions in which reform could occur, Chapter Four focuses on the contingent conditions that actually *made* electoral reform happen. By now, we know that electoral reform would not have happened if both conditions had not been met. This is why, despite all 26 efforts, the binominal system was not successfully modified before 2015: something was still missing. This is what the chapter intends to reveal, using an approach that will keep in sight Government's broad intentions to improve democratic standards of the electoral system and the narrow motives of the factions involved to either support or oppose this particular reform effort.

The chapter is structured as follows. The first section analyses how the conditions of social unrest and conflict within the ruling coalition (Alianza por Chile) during President Piñera's administration contributed as contingent factors in the triggering of the reform process. The second segment studies how a favourable political scenario during the honeymoon period (an overwhelming electoral majority in presidential elections, high levels of public support and majorities in Congress) contributed as contingent factors in the swift approval of at least three of President Bachelet's pillar reforms, one of them being the electoral reform. Section three reviews the structure, objectives, and justifications of the legislative bill introduced by the President. The fourth section shows the nature and composition of the favourable Congress. Section five identifies and describes the general characteristics of the pro- and anti-reform parties and how the reform-supporting parties conform the minimal winning coalition. Section six reviews how reform was discussed, negotiated, and voted upon. The seventh segment shows the resulting electoral system, a corrected or moderate proportional system of representation. Section eight analyses the objectives and arguments that were used by the different factions involved to either push or oppose electoral reform and shows how they relate to narrow interests linked to the improvement of legislators' re-election prospects, party-seat share improvement prospects, and other coalitional motives. Section nine concludes with final remarks on the chapter.

#### **4.1 Social Unrest and Conflict Within the Right-Wing Coalition: The “Alianza” and the Piñera Administration (2010–2014)**

Bachelet’s reform strategy is in large part influenced by the shortcomings of the previous government, led by Sebastián Piñera (2010–2014). Two key conditions obtained during his administration: (1) the escalation of social unrest and demand for structural reforms, and (2) the intensification of internal conflict in the governing coalition, the Alianza.

I review these aspects of President Piñera’s administration in terms of the role they played in the construction of Michelle Bachelet’s political program and the generation of collaborative pacts between Renovación Nacional (RN) and the Democracia Cristiana (PDC) to pursue electoral reform, against the government’s and the UDI’s wishes.

Piñera’s installation in government can be described as complicated. The Alianza was experiencing tensions over position nominations and feeling the pressure of having, practically, no previous political experience (Varas, 2013). To make matters more difficult, the president did not have majority in Congress, which meant that any reform would need extensive and careful negotiation with opposition.

In addition, President Piñera inherited a complicated reconstruction situation. Only weeks before being sworn into office, the country had been battered with an earthquake and tsunami, altering any previous plans for the new government. Efforts to return to normalcy were once again interrupted by catastrophe when thirty-three miners became trapped in Copiapó due to questionable safety measures at a private mine. However, the tragedy had a happy ending when after a complicated rescue, the Minister of Mining Laurence Golborne, was launched to star status, which positively rubbed off the president (Idem).

The positive attention the President received from the media due to the successful rescue would mark a turning point in the way President Piñera ran his government. Despite efforts to rule in response to surveys, his approval was on a constant drop and would not recover. His approval by the end of 2010 was at 44%.<sup>25</sup>

Things did not improve the next year. The President’s agenda was interrupted by the irruption and radicalization of social unrest. The year, 2011, has been described as the “year people took to the streets” (Gamboa and Segovia, 2012). The year was characterized

---

<sup>25</sup> CEP National Opinion Survey, November–December, 2010.

by a significant increase in social mobilization processes, which led to the proliferation of manifestations and political rallies which used the streets as a space to express their demands and critiques (p. 66).

Social turmoil was not the only problem the new administration faced. Relations within the ruling coalition grew more strained by the day. Dissatisfaction with nominations, conflict over specific reforms, coordination problems, and discrepancies in the prioritization of government tasks abounded (idem).

Relationships between the executive and coalition parties were difficult from the start. President Piñera had made a choice: he would run the country like a company, reducing the role of politicians to a minimum. This notion was put in evidence after the president presented his first cabinet, which would be composed of primarily of businessmen and academics. Of the twenty-two ministries, only eight went to RN or UDI militants; the remaining fourteen went to people without formal political affiliation (idem, p. 76). The fact that the President wished to distance himself from parties was not taken lightly by politicians and members of the coalition. They resented the technical profile of the nominations and government management (Avendaño, 2011). Piñera's distance from political parties eventually led to open criticism from members of the Alianza and the appearance of rebellious wayward politicians. Relations grew even more strained by the excessive personalism with which Piñera ran government, which left coalition parties in a disadvantaged position (idem).

President Piñera's time in office was marked by a conflicted relation between government and the Alianza.<sup>26</sup> To make matters more difficult, brewing conflicts within the Alianza grew because of disputes over leadership.

Divisions within the Alianza reached a critical point when it came to the reform agenda. It had been President Piñera's commitment to push a set of reforms that would "improve the quality of democracy and reverse the problems that affect the representation system" (Avendaño, 2013, p. 168). The government's strategy was to promote reforms to the electoral law, while consciously avoiding reforming of the binominal system. This is how reforms such as voluntary primaries, overseas voting, automatic enrolment, and voluntary voting were passed.

---

<sup>26</sup>Also known as Coalición por el Cambio from 2009–2014.

Confusion concerning the executive's stance on electoral reform was about to reach critical levels. On October 2011, President Piñera initiated conversations with the PDC in order to advance the reform of the binominal system. By the end of the month, a task force composed of ProyectAmérica, Centro Democracia y Comunidad, and PDC personnel (Edmundo Pérez Yoma and Claudio Orrego) presented a proposal to reform the binominal system. The news upset RN and the UDI, who claimed to be unaware of the proposal.

Despite the Alianza's resistance to legislate on the matter, President Piñera resumed conversations with the PDC. Evidence suggested that the new reform agenda would include the modification of the binominal system. However, by December government began to show signs of back-peddling retraction, which was eventually confirmed by an announcement made on January 10<sup>th</sup>, by government spokesperson Minister Andrés Chadwick. The government would not prioritize a reform over which no agreement had been achieved in the past twenty years. The Minister argued that any reform of the binominal system would need product of "broad agreements," and the first place to do that was within the ruling coalition (*El Mercurio*, 10-01-2012).

A few days after Minister Chadwick's announcement, the President made a public statement regarding the state of reform. He declared that, in order for the government to pursue it, there needed to be a "climate of collaboration and dialogue between the two coalitions, and at the time, there was none." He referred to the coalitions: "They either agree or there are no changes, just like has happened for the last twenty years," and noted that the factions involved think that "things should be done exactly as they wish, or simply not done at all" (*Radio Cooperativa*, 11-01-2012).

The UDI reacted to the President's statement. According to them, President Piñera had told coalition parties in a meeting earlier that week, that reform of the binominal system would not be pursued. According to relevant UDI figures, the President had never included in his program the reform of the binominal system. At most, he had committed to "perfecting it and making some adjustments" (Jovino Novoa, *Radio Cooperativa*, 13-01-2012). The UDI's surprise over the President's statement led Senator Hernán Larraín to declare that "the President had actually gone off-script, by leaving the door open to a potential reform of the binominal system" (*Radio Cooperativa*, 14-01-2012). The Senator indicated that "many of the problems the government has had with the coalition derived

from the government's choice to make decisions without consulting with the parties and asking them to uphold these decisions afterwards" (idem).

Conflict, division, and lack of coordination were present not only in the ruling coalition, but the opposing one as well. Piñera's electoral success had turned the Concertación into Opposition, and after four consecutive Concertación governments, they had no experience being the opposition. The change of role had left in evidence the fragile state of the Concertación. While the PDC was isolating themselves from the rest of their associates, looking to the right, the rest of the coalition parties were arguing about the "end of the Concertación" and proposing a new, broader leftist coalition which included the Communist Party (PC), Broad Social Movement (MAS) and the Independent Regionalist Party (PRI) (Varas, 2013).

The Concertación's relationship with Government was marked by its oscillation between attacks and calls for dialogue and cooperation (idem). The government's confusing signals regarding electoral reform led parties to seek alternative roads, one of which was the PDC-RN electoral reform arrangement. While the UDI rejected any type of electoral reform, RN sought to build bridges with independent actors and the PDC. Both the government and the UDI felt betrayed by their coalition associate and declared that RN should have informed them of the situation and tried to seek consensus with them first. The agreement also sparked conflict within the Concertación, particularly with the Socialist Party (PS). There was a faction of the party that appreciated the RN-PDC arrangement and saw in it a true possibility of dismantling the binominal system (Deputy Camino Escalona, *Cambio21*). However, the other faction, led by the president of the party (Osvaldo Andrade), criticized the agreement and demanded an explanation from the PDC to the coalition (*Cambio21*).

President Piñera faced a complicated scene. Government contradictions and conflict with its supporting parties increased, which translated into growing indiscipline and open criticism. Additionally, RN liberals seemed to be growing restless within the party, showing signs of dissidence on crucial issues, which was rumoured to have produced the resignation of key members of the party in order to found a new one, because they considered RN to be currently "too conservative."

The government was not only strained by conflicts within the coalition, with opposition and contradictions of the reform agenda. They were in over their heads trying to govern

a country riddled by citizen protest, student manifestations, and the continued decline in President Piñera's government approval, which added to the profound crisis political institutions were experiencing (Gamboa and Segovia, 2016). The year finished with electoral defeat for the Alianza, which worsened and publicized the Alianza's internal divergence and fractures. The municipal elections (held on October 28<sup>th</sup>) were expected to showcase the electoral performance of the two political blocks. There was a degree of uncertainty because these were the first elections with the new rule of automatic inscription and voluntary voting. The results were surprisingly grim for the Alianza, who dropped from 144 to 121 governed municipalities, while the Concertación (who had run in two separate pacts with the PC) increased from 147 to 167 municipalities, winning over key ones (Navia, *La Tercera*, 23-10-2012). The two Concertación lists also performed well in council members' elections, obtaining 49.46% of the votes, while the Alianza only secured 32.9% (Varas, 2013, pp. 279–80).

The municipal elections were an early warning of what might happen in the upcoming parliamentary and presidential elections of 2013.

The Alianza had trouble securing the final presidential candidate. After a tight primary, the winning candidate, Pablo Longueira (UDI) withdrew his candidacy for personal reasons. His untimely resignation left the coalition in urgent need of another candidate. After negotiations, and with 80% approval from RN, Evelyn Matthei (UDI) was chosen for the task (Varas, 2013). The nomination of legislative candidates was also a complicated ordeal. Of the two parties, RN was the only one to select a portion of their candidates (in 10 districts) through primaries. The UDI decided not to define their candidates through primaries, arguing that they preferred to focus their efforts on the presidential primaries (Castiglioni, 2014).

Discontent between the two coalition parties was furthered by the President's statements regarding the commemoration of the fortieth anniversary of the military coup. President Piñera presented himself against the coup and criticized many politicians of being "passive accomplices" of the violation of human rights (*El Mostrador*, 29-10-2012). His interventions deepened existing divisions with the UDI, whose chair blamed Piñera for their eventual electoral defeat (Varas, 2013).

The Concertación also began to look for a way to present a unified front in the forthcoming elections. One of the main issues to be resolved was the ideological conflict the PDC had with the PC becoming part of the Concertación.

Despite political differences, the PC had started to support Concertación candidates in presidential runoff elections from 2006 and establish agreements in municipal and legislative elections from 2008, mainly to prevent the right from winning (Raitzin, 2017). Although they were not an official Concertación partner, they continued to cooperate with the Concertación thereafter. The working relationship between the two factions was furthered in 2012 for the municipal elections, and was formalized for the 2013 presidential campaign when the PC decided to support Michelle Bachelet's campaign (idem, p. 4).

Despite objections from the PDC, the idea of a *broader coalition* had won. The New Majority (NM)—an alliance that included the PC and other smaller leftist groups and movements—was founded on April 30<sup>th</sup>, 2013, becoming the political and electoral coalition that replaced the long-lived Concertación.

The coalition also held primaries to determine who was to be the presidential candidate. Michelle Bachelet was pronounced the candidate of the PS, Party for Democracy (PPD), MAS, PC and the Christian Left. The Radical Party (PRSD) presented José Antonio Gómez. The PDC had internal elections in which former Peñalolén Mayor Claudio Orrego who defeated Senator Ximena Rincón. And the independent candidacy of former Bachelet Treasury Minister Andrés Velasco. As expected, Michelle Bachelet won the primaries with an overwhelming majority of the vote (73.1%) and officially became the NM's presidential candidate (Castiglioni, 2014).

Elections were held on November 17<sup>th</sup>. These were the second elections with the new rules, but the first legislative and presidential with automatic enrolment and voluntary voting, innovations that still generated uncertainty about strategies, projections, and electoral results (Mardones and Toro, 2014).

In the presidential election, no candidate received the absolute majority of the votes, so the two most-voted-for of the nine presidential candidacies went to the runoff, which was to be held on December 15<sup>th</sup>. Two women would fight for the presidency: NM candidate Michelle Bachelet, who received 46.67% of the vote, and Alianza candidate Evelyn Matthei, who made it with 25.01% of the votes. Without much uncertainty, Bachelet won

the runoff with 62.15% of the votes against Matthei, becoming president for the second time (*idem*).

The NM was high on electoral success. They had not only secured the government but had achieved important majorities in both chambers: 67 seats (out of 120) in the Chamber of Deputies and 21 (out of 38) in the Senate. This was a very promising scenario for the NM's vast reform program. With the necessary quorums achieved, crucial reforms would be more likely to be passed.

The crisis within the right was difficult to avert. Poor electoral performance seemed to be the last shot for the agonizing alliance. Losing the government and their long-lived majority in Congress left the coalition in a critical state. The Alianza lost their blocking power; they now had no way of opposing the NM's upcoming reform program. The situation would grow more difficult in the following months, when the coalition lost crucial members due to the burst of the conflict within RN, which led to the creation of a new centre-right political movement that would negotiate and pact with the NM on crucial issues.

President Piñera's administration failed to produce a coherent and cohesive government capable of pushing forward the Alianza's political programme. Not only was his government unable to coordinate their collaborating parties on policies, but it was also unable to manage the massive public mobilization that arose in 2011.

President Piñera was faced with many disruptive events during his time in office that caused detours from the original road to fulfilling the Alianza's political program. He inherited the Tsunami crisis of February 27<sup>th</sup> 2010 (27-F) crisis from the outgoing Bachelet administration, faced a nearly impossible task of rescuing the thirty-three trapped miners, and the most precipitous rise of social mobilization ever experienced in Chile. He faced these issues without a politically experienced and unified coalition, which turned into yet another of the disruptive events he would have to deal with during his government.

Unsurprisingly, President Piñera's administration did not manage to produce satisfactory outcomes for the protesting factions and their demands. No structural reforms were made to the economic model, the political system, the educational structure, human rights regulation, or environmental or ethnic legislation (Varas, 2013, p. 198). Despite failing to legislate on socially relevant issues, Piñera's government was legislative productive in

other areas. During its four years in office, the government approved automatic enrolment and voluntary voting rule, the direct election of regional councillors, primary elections, fair family income legislation, a six-month postnatal law, and the elimination of the 7% charge on social contribution for pensioners.

What Piñera's government failed to do was translate the multiple and diverse demands of the social movements into legislation. The student movement "strengthened a faction within the Concertación that favoured more aggressive reformism" (Palacios-Valladares and Ondetti, 2018, pp. 4–5), which would eventually lead to the reconfiguration of the traditional centre-left alliance. The creation of the New Majority implied the broadening of the partisan platform, and with that, the inclusion of most of the citizen's main demands (idem). This was to become the base of Michelle Bachelet's program, who claimed to have constructed it as a response to social demands (Altman and Toro, 2015).

#### **4.2 President Bachelet's Government Program and First Year in Office: The Fruits of the Honeymoon Effect**

On 11 March 2014, Michelle Bachelet was invested as president for the second time. She would become the first ever Concertación—now NM—member to be re-elected and the first to rule after an Alianza administration.

Considering the overwhelming support President Bachelet had obtained in the last elections, and the majorities achieved in Congress, expectations were that, with these conditions, the NM's political program would have solid backing (Gamboa and Morales, 2016, p. 128).

As noted above, the NM's program incorporated social demands put forward by different social movements during President Piñera's administration. In response to these, the program was built on three pillars: a comprehensive tax reform, a structural educational reform, and the elaboration of a new Political Constitution, which included a new electoral system.

Once in office, the new administration's strategy was to make the most of the honeymoon period. This is why three major reforms were introduced during President Bachelet's first year in office (Altman and Toro, 2015). The new President and her team had created a favourable narrative for reform during the presidential campaign based on the unattended issues raised by social movements during the previous government.

At full speed, government first introduced the tax reform, mostly because it would provide the financing needed for the implementation of her comprehensive reform program (US\$ 15.1 billion). The government secured its first victory in a relatively short period of time. The reform took about six months to be approved (April–September 2014) and, with that, secured a way to fund the rest of the emblematic reforms.

Shortly after submitting the tax reform (May), the government turned to the “mother of reforms” (Altman and Toro, 2015). Attempting to respond to the demands of the student movement, President Bachelet introduced the much-anticipated educational reform. The reform was introduced with the objective of “regulating student admissions, eliminating shared financing and prohibiting profit for educational establishments that receive state financing” (see Law N° 20.845). The reform raised objections both within the ruling coalition and with the opposition; however, after intense discussions and negotiations with NM factions, the reform was approved on January 2015.

That same month, President Bachelet introduced the third of the pillar reforms: the binominal system reform. This, unlike the previous two, was a political reform, and the NM was keen on submitting it right away because it had made a commitment to its new partners when they endorsed Michelle Bachelet’s campaign the previous years. As promised, the legislative bill set out to eliminate the binominal system and replace it with a corrected proportional system of representation.

Not without opposition from the conservative factions of the right, the NM’s majority in Congress and the support from independent factions and former RN liberals secured them the necessary quorums to approve reform without the need to negotiate with the Alianza.

The expeditious approval of these key reforms would mark the success of the honeymoon effect in the NM’s reform efforts; however, like any honeymoon, it would not last forever. Although the government managed to secure three key reforms during its first year in office, by 2015, the political scene had begun to change and the honeymoon effect had started to wear off.

The tax reform had stressed relations with the corporate sector and the economic situation was beginning to deteriorate. Discussions over the educational reform had not only strained relations between the government and opposition (Alianza) but had also generated fissures within the NM. The situation was further worsened by media

exposition of irregular funding cases that tainted the reputation of several political actors from both the government and opposition (e.g. Soquimich, Caval, PENTA). The year 2015 also came with significant number of natural disasters which tested the already strained government: the eruption of the Villarrica and Calbuco volcano, the floods in the north of the country, the strong rainstorms that hit the centre-north zone, and the earthquake and tsunami that hit the centre-south zone in September (Gamboa and Segovia, 2016). These difficulties and how they were managed by the government had a negative effect on the President's initial popularity. Slowly but steadily, Bachelet's support began to drop. In 2014, the honeymoon year, it dropped from 54% to 40%. By December 2015, support had reached a new low of 24% (Gamboa and Segovia, 2016). Public support for the government's management continued to decline over the years. Her highest level of disapproval was during mid-2016, reaching 66%. By October 2017, disapproval decreased to 53%. During her time in office, there was no recovery of her approval status. By late 2017, it measured 23% (*CEP National Public Opinion Survey*, September-October 2017).

The economy maintained similar characteristics from 2014 to 2015. It was marked by slow economic growth (near 2%), associated with the developments in mining prices, the international economic situation, and the low expectations the reform generated among the entrepreneurship, projecting for 2015 the lowest investment rate in over a decade (near 22% of the gross domestic product) (Gamboa and Segovia, 2016; see Corbo 2016).

The remainder of her time in office was marked by slow economic growth, with an average of 1.8%. The newly approved tax reform, which represented a three-point burden increase on the gross domestic product, had a negative impact on investments, dropping in each of the four years of her administration (Temas Públicos, *Libertad y Desarrollo*, N°1341-1, 2018).

The much-anticipated educational reform was implemented, receiving bittersweet evaluations. It did not manage to provide free education for all college students, only for the most vulnerable sector. In 2016, the state's resources managed to produce free education for 28% of the most vulnerable economic sectors. In her last public account speech, the President asserted that by 2018, the coverage would be extended to 60% of students.

Although 2014 was the year of successful reforms for President Bachelet, she chose not to present one of the pillar reforms of her political program: the constitutional reform. It was only in late 2015 that she announced that the constituent process would be open to the citizenship and would gather in stages citizen initiatives until October 2016 (idem). According to plan, the government would present a legislative bill of reform the second semester of 2017. This effort materialized just a week before concluding her mandate. President Bachelet, keen on keeping her promise to voters and the NM, sent Congress a reform creating a new Constitution.

Despite all these difficulties, President Bachelet managed to pass a significant number of reforms. In addition to the tax, educational, and electoral system reform, the following were also passed: the overseas vote legislation (Law N° 20.960); the teacher's professional development system (Law N° 20.930); the Civil Union Agreement (Law N° 20.830); the Ricarte Soto legislation (Law N° 20.850); and the de-municipalization reform (Law N° 21.040).

The reform of the binominal system, object of study of this dissertation, was one of the three introduced and approved during the President's honeymoon period, which was defined by her high levels of public support and a favourable majority in both chambers. I now turn to the specifics of the legislative bill introduced by President Bachelet on April 2014.

#### **4.2.1 The Reform: Presidential Message N° 076-362**

The submission of the legislative bill meant to reform the electoral system initiated the last stage of the reform process.

In the following paragraphs, I will review the core contents of the legislative bill in the order in which they are originally presented. The reform bill is structured as follows.

The first item refers to the background from which the projects stems. The bill moves on to present the six objectives pursued by the reform: (a) reduce vote inequality, (b) allow inclusion and representation of all significant political currents, (c) increase competitiveness and uncertainty among elected candidates, (d) facilitate the expression of majorities and the representation of minorities, (e) promote a congress that reflects society's diversity and (f) avoid candidates with large number of votes from being left out.

The legislative bill justifies the need for reform arguing that the current system contradicts Chile's republican tradition. It also claims that despite modifications carried out over the previous twenty years, there is still a gap between the Congress they want and the Congress they have (p. 3).

Regarding each of the objectives, the project details the following:

In order to improve vote equality, the legislative bill suggests that by increasing the number of congressional representatives and redrawing districts and circumscriptions, vote inequality could be significantly reduced throughout the country. Although it is focused on improving national vote equality, the legislative bill fosters the over-representation of the country's extreme zones in order to promote integration and promotion of key geo-political zones (p. 4).

As for inclusion and representation, the project's overall argument is that by reducing the number of districts and circumscriptions and increasing the number of seats per districts, more significant political currents of thought will be able to reach representation in Congress. This modification will reduce the entry barrier for smaller but significant factions and foster their inclusion (p. 4).

In order to increase competitiveness and uncertainty, the reform seeks to return the decision of choosing their representatives to the people. According to the legislative bill, this can be achieved with an increase in the total number of congressional representatives and by allowing the electoral lists to present more candidates than those to be elected. The justification is that this will allow political parties and factions to compete with and against other in front of people, improving competitiveness and uncertainty, while at the same time, and as a side effect, increasing participation (p. 4).

In order to facilitate the expression of majorities and the representation of minorities, the legislative bill claims that with the distribution of district magnitude from a minimum of three and a maximum of eight, majorities in votes will be expressed in representation. It also states that this formula assures representation of minorities in all territories (p. 4).

With the intention of promoting a diverse Congress that reflects society proper the reform bill maintains that an electoral system that encourages parties and pacts to present candidates that reflect society's diversity (ideological, gender, age, origins, social, and cultural) will have a positive effect on the increase of participation.

It also suggests that the increase in the total number of deputies and the fact that parties and lists may present more candidates than seats will enable the application of gender quotas and promote a healthier representation of women in Congress (p. 5).

Finally, and in order to prevent one of the most frustrating effects of the current system, the proposal seeks to eradicate this in districts with district magnitude over five and make it highly unlikely in districts with smaller magnitude of three or four (p. 5).

Below I present the contents of the proposal, as presented in the reform bill:

### **1. Principles**

In general, the legislative bill seeks to improve representation in both chambers. For the Senate, the reform intends to improve the basic criteria of balance among electoral territories. For the Chamber of Deputies, it aims to improve the principle of vote equality. However, it does not intend to apply these terms in absolute terms. For the Senate, the proposal seeks to complement balance with more proportional representation in more populated areas. For the Chamber, the project seeks to reconcile the principle of vote equality and at the same time avoid under-representation of the extreme zones of the territory (p. 5).

### **2. For the Senate**

The reform proposes to electing fifty senators, with each region becoming a circumscription. Five of the current regions will maintain the number of elected senators at two, while the remaining ten will variably increase. This measure is expected to reduce vote inequality based on territorial drawings, while at the same time facilitating the expression of the majority and allowing the representation of the minority (p. 5).

Each region will elect a minimum of two senators, representing in an equal manner all fifteen regions. This will provide three-fifths of the chamber. The remaining twenty senators will be elected in the regions with the highest number of voters, avoiding an overly high representation of the Metropolitan region in the body (p. 5).

### **3. For the Chamber**

A chamber of 155 deputies was proposed.

The legislative bill divides the country into plurinominal districts each of which elects a variable number of deputies depending on the number of voters. The intention is to achieve the highest levels of vote equality in consideration of the following structural restrictions: (1) the territorial extension of districts will not exceed that of the region, (2) the new districts are constituted by aggregation of the existing ones, (3) the assignment of seats will not reduce, in absolute terms, the actual representation of the different territories.

The proposal establishes a total of twenty-eight districts which elect a variable number of three to eight deputies, establishing a moderate proportional system of representation (p. 6).

#### **4. Increase Inclusion and Representativeness**

The legislative bill enables parties and pacts to present twice as many candidates as available seats ( $N \times 2$ ), under the notion that it will increase voter choice and facilitate representative renewal (p. 7). The project also includes a graduated gender quota (2017, 2021, 2025 and 2029 elections), with the purpose of composing a more adequate representation of men and women in Congress. Accordingly, it states that no gender shall make up over three-fifths or under two-fifths of each party's candidate list. In order to encourage the incorporation of women to party lists, the bill provides a larger state reimbursement for parties with elected women candidates. Finally, the bill establishes a mechanism that will update seat distribution every twelve years.

#### **4.3 The Reform Congress**

The sections above review the socio-political setting of President Bachelet's election and first year in office and an overview of the motives, objectives, and formula of the legislative bill intended to modify the binominal system with a proportional one.

Below, I provide a description of the composition of Congress for the legislative period in which the electoral reform was introduced and approved.

As presented in the previous section, a favourable configuration of Congress meant that President Bachelet would be able to pass her reform program without the need of negotiating with the opposition. At most, she would need a few votes in the Chamber and one or two in the Senate in order to obtain the majorities needed to approve electoral reform.

The majority status of the NM in Congress is one of the most salient contingent factors in the successful approval of the 2015 binominal reform. Combined with others, such as the procurement of votes from Amplitud—then, newly split from RN—the governing coalition had practically secured the minimum number of votes needed to approve reform before even sending the legislative bill to Congress.

When President Bachelet received the presidential sash on March 2014, the NM had 67 (out of 120) deputies in the Chamber, and 21 (out of 38) in the Senate (Gamboa and Morales, 2016, p. 128). This meant that they had “theoretically secured”<sup>27</sup> about 55.83% of the votes in the Chamber and 55.26% in the Senate compared to the required 57.14% reform quorum.

The following table shows how the seats in Congress were distributed among parties and coalitions at the time of the reform. It is important to note that, before the reform was voted, one of the elected deputies, Mr. Rosaura Martínez (RN) was impeached and expelled from the Chamber, leaving the chamber with a total of 119 deputies. With this news, the quorums were once again modified, leaving the NM with 56.3% of the votes in the Chamber.

Details of what happened in terms of party alignment are portrayed in the table below

---

<sup>27</sup> Assuming that NM sympathizers support electoral reform.

*Table 5: Party Alignments in Congress (2014)*

<b>Coalition</b>	<b>Party</b>	<b>Chamber 2014</b>	<b>Senate 2014</b>
<b>Nueva Mayoría</b>	PDC	21	6
	PS	16	6
	PPD	15	6
	PRSD	6	-
	PC	6	-
	Independent by-pact	3	3
	<b>Total</b>	<b>67</b>	<b>21</b>
<b>Alianza</b>	UDI	29	8
	RN	15	6
	AMP	3	1
	Independent (Resigns to RN)	-	1
	Independent by-pact	1	-
	<b>Total</b>	<b>48</b>	<b>16</b>
<b>Independents</b>	<b>Independent out-of-pact</b>	<b>3</b>	<b>1</b>
<b>Other Pacts</b>	<b>Si tú quieres, Chile Cambia (PL)</b>	<b>1</b>	<b>-</b>
<b>TOTAL</b>		<b>119</b>	<b>38</b>

Elaboration based on [www.serve.cl](http://www.serve.cl) and [www.bcn.cl](http://www.bcn.cl)

#### **4.3.1 The Senate**

According to Chile's electoral rules, the Senate was to be partially renewed in 2014. The Senate that was to vote the electoral reform would be composed of eighteen members elected for the 2010–2018 legislative period and twenty renewed one, elected for the 2014–2022 legislative period.

In order to pass electoral reform, the NM would need to gain support from one other senator in order to achieve the required quorum. With 22 legislators voting in favour of reform, they would secure 57.78% of the votes. This would constitute the MWC necessary for the Senate.

The 2013 elections had produced a very favourable scenario in the Senate for the NM. In comparison to the Alianza, they had done very well, electing twelve senators, while the

Alianza only managed to elect seven. Elections left the NM with twenty-one pro-reform senators and the opposition with sixteen.

These numbers would be further altered, when, during the beginning of 2014 two RN senators resigned. Senator Lily Pérez joined political movement Amplitud, which had negotiated with the NM to vote in favour of the electoral reform, and Senator Antonio Horvath remained independent.

The table below portrays how the 2013 elections shifted the NM's majority in their favour.

*Table 6: Party Alignment Evolution in the Senate (2010-2014)*

Coalition	Party	Senate 2010-2018	Senate 2014-2022	Senate 2014
Nueva Mayoría	PDC	4	2	6
	PS	2	4	6
	PPD	3	3	6
	PRSD	-	-	-
	PC	-	-	-
	Independent by-pact	-	3	3
	<b>Total</b>	<b>9</b>	<b>12</b>	<b>21</b>
Alianza	UDI	3	5	8
	RN	4	2	6
	AMP	1	-	1
	Independent (Resigns to RN)	1	-	1
	<b>Total</b>	<b>9</b>	<b>7</b>	<b>16</b>
<b>Independents</b>	<b>Independent out-of-pact</b>	<b>0</b>	<b>1</b>	<b>1</b>
<b>TOTAL</b>		<b>18</b>	<b>20</b>	<b>38</b>

Source: Elaboration based on [www.servel.cl](http://www.servel.cl) and [www.bcn.cl](http://www.bcn.cl)

#### 4.3.2 The Chamber of Deputies

In 2013 elections were held in order to fully renew the Chamber of Deputies for the 2014–2018 legislative period. Although 120 members were elected, by 4 July 2014, the lower chamber would be constituted of only 119 members.

As stated before, elections favoured the NM. Of the 120 available seats, they secured 67, while the Alianza only managed to obtain 49.<sup>28</sup> Although the NM did not manage to gain enough votes to pass electoral reform (COLs) by themselves, they did secure enough votes to pass simple and qualified quorum laws without the need of negotiation with other political factions (Castiglioni, 2014).

In order to achieve the four-sevenths quorum, the reforming coalition would need at least one more vote from deputies outside the coalition to approve reform (minimal winning coalition). If all NM legislators were to support electoral reform (as was expected), the coalition would have 56.3% of the votes, nearly but not quite enough to approve reform on its own. With one more vote in their favour, the NM would be able to pass electoral reform with the minimum number of votes (57.14%).

Considering that the NM had three independent deputies elected within the pact, and other reform sympathizers outside of the coalition, it was very likely that they would obtain the required majorities in the Chamber.

For some of the articles, a majority of seventy-two deputies was required. In these instances, the support from non-coalition pro-reform parties became the most crucial item in order to approve reform.

#### **4.4 The Parties and Coalitions of the Reform**

The binominal system has inspired either support or rejection among individuals, parties and coalitions over time. The following section reviews where parties and coalitions stood on the binominal system during the discussion of the reform bill in 2014. This, in order to identify and understand what motives parties and coalitions might have to either maintain the system or pursue electoral reform. I will review possible motivations and goals from a broad and narrow perspective, placing particular focus on motives associated with self-interest and expected gains.

##### **4.4.1 The Pro-Reform Parties**

When President Bachelet sent the reform bill, almost all existing political parties agreed on the necessity of electoral reform. Only one party was against the idea of legislating on the matter: the UDI. As one of the military regime's supporters, the party that was keen

---

<sup>28</sup> Which would be reduced to forty-eight, after Deputy Martínez was expelled from the Chamber.

on defending the binominal and had systematically blocked any electoral reform initiative over the years. Although the party remained hesitant throughout the process, they eventually agreed on the idea to legislate on the matter but continued to oppose the NM's proposal until the end of the legislative procedure.

At the time, there were nine parties with legislative representation, seven of which were members of the NM. All of the NM parties (PDC, PS, PRSD, PPD, PC, MAS, IC), supported electoral reform as part of the governing coalition's program and had publicly committed to voting in favour of the initiative, despite some apprehensions with the project—as it was. The NM members had agreed to endorse the project both in general and particular voting. They committed to approve the project as a step in the right direction, in the further improvement of the current system.

The four traditional Concertación parties (PDC, PS, PRSD and PPD) were the ones who had pursued electoral reform many times over the years and were very invested in seeing reform through. To some of these parties, the reform of the binominal system was one of the pending issues of the transition, a much-needed milestone to eradicate the remaining vestiges of the authoritarian enclaves of the Pinochet Regime. Their stance regarding the urgent need of electoral reform was unquestionable.

The other three parties that composed the NM were the PC, the MAS and the Citizen Left (IC). Out of the three, the PC was the most stable and longstanding of the new partners. The MAS and the IC were still struggling to procure the basic legal requisites to survive as proper parties. Despite this, the NM included all three in the new alliance.

Among the many factors that contributed to the formation of a new coalition was the extensive reform agenda put forward by the Bachelet administration and the almost assured electoral victory the person of Michelle Bachelet represented for the centre-left. Parties that had not traditionally belonged to the Concertación now considered the benefits that a new coalition could bring.

The Chilean Communist Party was one of the least-likely parties to pact with the NM, mostly because of the PDC's adamant opposition to include it among their ranks. However, the situation in 2013 was different, and the prospect of a broader, more inclusive coalition prevailed. The Communist Party's first approach towards the coalition was the public endorsement of Michelle Bachelet as their presidential candidate. Initially, the party committed to supporting Bachelet electorally; however, after she was elected,

the party showed signs of willingness to participate as part of government. The president of the PC at the time, Guillermo Teillier, stated that “the party will contribute to the implementation of the program which they had helped to construct.” (*El Mostrador*, 21-12-2013). With that, the PC became part of Bachelet’s government and her comprehensive reform program.

The involvement of the MAS<sup>29</sup> with the NM also began with the announcement of their support for Michelle Bachelet as their presidential candidate. The party’s intentions to support Bachelet and her reform agenda were clear when Senator Navarro,<sup>30</sup> its founder, stated that “MAS wants revolutionary changes for Chile, and President Bachelet has offered it,” but “there are constitutional bounds that impede such changes” (*Soy Concepción*, April 4<sup>th</sup> 2013). The party was later formalized as part of government when one of its members was appointed Minister of Sports and two others as a governor and a sub-secretary in 2014.

Another of the NM’s pro-reform parties was the Citizen Left (IC). They supported Bachelet’s candidacy in 2013 along with the parties mentioned above and became part of Government in 2014 with the designation of Víctor Osorio Reyes as Minister of National Assets. Although the party was dissolved by Electoral Services until 2016 (because of the 5% threshold requirement), the NM still considered it as an independent faction of the coalition. It is important to note that, when the electoral reform was being discussed and voted, there were no legislative members from this faction.

In addition, a pro-electoral reform party was the Liberal Party, which had one deputy in Congress who supported the project in general, with some objections regarding the project’s take on independent candidacies.

As introduced earlier, the parties of the NM were not the only ones who were pro-electoral reform. At the time, the new liberal right movement, Amplitud signed a pact to endorse some of the reform agenda of the NM, the binominal system being one of the issues Amplitud committed to wholly support. This was very relevant in the configuration of the required electoral majorities, since they had representation in Congress (not by their own electoral success, but as former RN legislators).

---

<sup>29</sup> The movement was formalized as a party in 2009, when it achieved the legal requisites. In February 2010, the party was declared illegal, because it no longer met the legal criteria. However, by June 2010, the party was once again formalized as legal, after it fused with the North Social Movement.

<sup>30</sup> Former PS militant for 25 years.

RN quickly became one of the central parties in the debate over the reform of the binominal system. I have included this discussion in the pro-reform section of the party review, because throughout the process that is how they identified themselves, and they ultimately voted for reform in general. Among the pro-reform parties, RN is the one whose support is most complex. First, they were part of the opposition, so supporting a reform feared by their coalition is unexpected; second, they initially presented themselves as willing reformers, but eventually voted against the project when it was voted in particular; and third, from them came the crucial *Amplitud* votes that the NM would make use of to approve reform. I hereunder review these issues.

Support for the idea of legislating on the matter of electoral reform was a divisive issue in the political right. There were three clear-cut factions in the opposition: those who would support and vote in favour of the NM's reform project (*Amplitud*); those who were willing to reform the electoral system and would vote in favour of the "idea of legislating" on the matter (RN); and those who would vehemently oppose even the idea of legislating and would vote to block efforts of reform (UDI).

As the more liberal half of the *Alianza*, RN had a been torn between supporting the decisions of their coalition and negotiating and pursuing reforms with the *Concertación*. Since the 1980s, RN had shown willingness to collaborate with opposition on specific issues of reform. They had supported the *Concertación* in the 1989 reform negotiations without breaking out of their coalition, and over the years the more liberal faction of the party had manifested openness to modifying the electoral system.

Under President Piñera's administration (2010–2014), tension between UDI and RN began to build up and spilled into the media. Internal divisions among RN militants became a focus during his administration, particularly because of how the President continuously avoided specific reforms that particularly interested the party. Long-lived internal divisions were reaching boiling point, particularly when discussions of reforming the binominal system were on the table. The historical division within the party, between those who defended the Pinochet Legacy within the party and those who embraced democracy and progressive changes of the political system (Díaz, 2014, p. 485), had now materialized in how the party and government decided to face electoral reform.

The situation turned critical on January 2012, when RN and PDC presented, in a surprising pact, a reform proposal that included the replacement of the presidential system

with a semi-presidential one and the establishment of a new proportional electoral system. It wasn't the fact that they supported or not the reform of the binominal system, but the way RN was proceeding that generated both surprise and rejection from the government and from the UDI, which was now aligned against RN's initiative. The pact was negotiated in secret by both party leaders, who claimed their parties and respective coalitions were duly informed of their meetings (*La Segunda*, 03-02-2012).

Senator and party Vice-president Francisco Chahuán, endorsed the project and defended the initiative, arguing that it had been at the expanded political committee, that the President encouraged Alianza to dialogue with parties outside the coalition (*La Segunda*, 03-02-2012). The initiative was taken seriously by the contracting party. Senator Chahuán, convinced they were acting along those lines declared that RN would not back down from the initiative or the pact but would try seek consensus within the coalition and attempt to convince the President to reinstate the issue on the agenda.

After leaving government in 2014, RN returned to its role as opposition to the NM. Putting aside differences they had during Piñera's administration, an important faction of RN became staunch defenders of its achievements and hardened critics of the NM's Government. RN was critical of the NM's way of running government, but criticism lessened when the government introduced the electoral reform. Instead of rejecting the project straight away like the UDI, RN embraced the possibility and presented themselves as a party open to dialogue. The effort was led by the party president at the time, Deputy Monckeberg, who on several occasions met with the Minister of Interior (Rodrigo Peñailillo) to discuss the government's reform agenda. The NM's intention of adding RN's support was clear, and some results could be shown for it. They had successfully negotiated to collaborate on approving the reform that allowed Chileans abroad to vote, a reform vehemently rejected by the UDI (*La Segunda*, 09-05-2014). This effort had set a precedent of how effective negotiations with RN could be.

However, RN's effort to collaborate with the NM were not met with the same appreciation. The fact that RN was more willing to dialogue with the government than with their own coalition aroused harsh criticism from the UDI, who suspiciously eyed RN's flirting. To some of them, the PDC-RN pact and now RN-government conversations were "treacherous" to the coalition and "dangerous" in terms of the government's constitutional reform agenda (Arturo Squella, UDI deputy, *La Segunda*, 09-05-2014).

In return, RN leaders critiqued the UDI's its resistance to dialogue. Secretary General of the party Mario Desbordes argued that it was not that RN had distanced itself from the UDI; they just had different approaches to the role of opposition. While the UDI took the role of "rejection," RN took to "dialogue" (idem) and that did not mean that they were on the wrong side of the coalition or that they would endorse the NM's electoral reform project in its entirety. It just meant that, although they were opposition, they considered sitting down and discussing the possibility of electoral reform something they had to do.

Although the relationship between RN and the government began on rocky terms, once the government initiated their reform agenda, the nature of their relationship became one of dialogue and possibility regarding the reform of the binominal system.

Despite the fact that a significant faction of RN was considering talking about electoral reform, there were a group of non-conforming militants that decided they were no longer able to work within the party. This group of liberal, centre-right non-conformists are the ones that resigned to the party and founded Amplitud.

On January 2014, Deputy Browne, Rubilar, and Godoy left the party, arguing that it was now too conservative and no longer represented them. They left the party to found a new, more liberal political party. Their resignation inspired the resignation of long-term militant, Senator Lily Pérez, and Carlos Cantero, who shared many of the critiques and resignation arguments presented by the cited deputies.

Their departure from RN was based on the rising conflict within the party between the conservative and liberal factions. The resigning members argued that they could no longer operate within a party unwilling to shift on critical issues, bound by logics of the past. They identified themselves as a movement that was willing to embrace change and reforms that the conservatives in RN rejected. This stance on critical issues made the reform of the binominal system one of their main targets. Thus, Amplitud became a key partner for the NM in the construction of the minimal winning coalition needed to approve reform.

By June 2014, Amplitud had signed an agreement protocol to perfect the existing project to reform the binominal system. The agreement established that Amplitud supported the government's reform project in terms of the proposed redistricting, the increase in the number of legislators, and the promotion of women participation in politics.

Although it did not have more than three deputies and two senators, Amplitud proved to be crucial in the configuration of the majorities required to approve reform. Although the NM did very well in the previous legislative elections, it still needed a few more votes in order to achieve the four-sevenths majority.

#### **4.4.2 The Anti-Reform Parties**

Of the two parties that composed Alianza, the UDI was the one consistently opposed to the reform of the binominal system. As one of the collaborators of the Military Regime, the UDI became a fervent defender of the binominal system and as such, successfully blocked on many occasions any reform effort over the years with its majoritarian status in Congress.

The party's view concerning reform had predominated in the Alianza during Piñera's government. They had successfully removed the issue from the agenda, generating frustration within the coalition, which, as we know, led a faction of RN opposed to the President to ally itself with the PDC in order to promote the reform.

Although the UDI's first choice was to keep the system by blocking reform, eventually the party lost its decisive power in Congress. By 2014, they were no longer part of the majoritarian coalition in both chambers of Congress. Conflict within the Alianza had led RN to seek new associates with which to pass reform, and these negotiations hit hard within the UDI. The party's strategy of avoiding dialogue and critical issues left them very isolated. Parties and movements from their sector criticized them for "rejecting a priori thinking they still have veto power over reforms" (Mario Desbordes (RN), *El Mostrador*, April 30<sup>th</sup>, 2014), as if "they haven't yet understood that in order to influence reforms they have to yield on some level their dogmatism" (Evópoli, *El Mostrador*, 30-04-2014). They did not realize that by challenging and rejecting the propositions of a government that already had the votes needed, they were encouraging them to end negotiations and proceed with the majorities they already had (Pedro Browne, *idem*).

The critiques from their fellow coalition partners eventually made way. Many were worried that RN's strategy to move towards the political centre highlighted the UDI's unwillingness to do so. As a result, the party slowly overcame their rejection strategy and made a proposal of their own.

In May 2014, the UDI announced that they would present two alternative proposals to the government's. Their rejection of the government's proposal was caused by what they considered to be an excessive increase in the number of legislators and a clearly "arbitrary re-districting" (*Emol*, 04-05-2014). UDI Senator and member of the Constitution, Legislation, Justice and Regulation Committee, Hernán Larraín, announced that the party was now ready to enter the reform debate. The party decided to try to correct the insufficiencies attributed to the binominal system, but with a set of modifications that differentiated them from the government's project. Senator Larraín criticized the NM's proposal, arguing that it did not correct the binominal's defects but fostered new ones that would not improve the quality of democracy (*idem*). Of the two alternatives, the UDI would propose an uninominal system to the government and if that was not accepted, they would present a second alternative: a corrected version of the document produced by the RN-PDC pact (*Idem*).

A month later, the party president, Deputy Ernesto Silva,<sup>31</sup> submitted to Congress the UDI's reform bill. As promised, the electoral system suggested was composed of 30 districts in which each would elect a variable number of 2, 4, or 6 deputies, maintaining the original 120-members in the Chamber. The project reflected the party's effort to avoid increasing the number of deputies to 155 and the number of senators to 50. To Deputy Silva and others his group, this increase was not in the service of representation or vote equality, but in service of the NM (*24horas.cl*, 01-07-2014).

The UDI's effort to join the electoral reform process was appreciated. It reflected a change in the party's strategy towards reform from "absolute refusal to legislate on the matter" to "we are willing to enter the debate by proposing our version of reform." Despite their "change of heart," their fervent opposition to the NM's proposal would not change. UDI members did not believe in the motives behind the reform or agree with the measures suggested by the project, arguing that the increase of deputies and senators was an "*arreglín político*" (political arrangement) designed to favour the NM at the expense of the state and the people.

Despite the fact that they were not the only party who voted against the government's proposal (RN voted against it during votes in particular), they were they only party who openly and consistently presented themselves as (1) against modifying the binominal

---

<sup>31</sup> Former President was Patricio Melero (2012-2014).

(during the first stage of the debate), (2) against the idea of legislating on the matter (during the general voting of the project), and (3) against the NM's project (during the voting in particular of each of the articles). Despite the fact that their strategy shifted from "opposing and rejecting" to "proposing an alternative," their vote against the NM's proposal remained unaltered until reform was eventually approved. This is why the UDI is considered the only party which was anti-electoral reform: at first, because of its rejection of modifications to the standing electoral system and later, because when it accepted the idea of reforming the current system, but under criteria and conditions different from those proposed by the NM.

Before closing this section, it is important to note that, RN—a party that had shown itself as part of the reform-prone parties—eventually ended up voting against most of the articles presented in the voting in particular, completely aligned with their coalition partner, the UDI.

#### **4.4.3 The Pro-Reform Coalition**

This section reviews the factions composing the coalition created by the government to approve electoral reform. In this case, the coalition needed to approve reform is what in Chapter 2 I described as a minimal winning coalition (MWC). As such, the coalition was created based on the minimum number of votes needed to approve it.

In the end, the NM managed to organize a coalition that produced more than the minimum number of votes required. With the Amplitud and independent votes, they had secured more votes than the minimum required. They had the legal majorities and were going to use them.

The NM was very specific about the project they wanted to approve. They wanted their project to be approved, not a compromise alternative, produced by discussion and negotiation during the legislative process. In order to achieve this, they needed to secure votes that would completely support their proposal. This is where the pact with Amplitud gained relevance, since their negotiations led Amplitud legislators to vote in favour during all particular votes perfectly aligned with the rest of the NM. And this is also where RN conversations ended up in no more than a general support to vote in favour of the project in general, but no compromise to do so in particular.

As Deputy Monckeberg stated during the Constitutional Commission Report session in the Chamber, “this was not the first time RN had taken part in the creation of broad agreements” and that both legislators and the political commission are open and at their disposal in order to move forward (History of Law, N° 20.840, p. 97). Their disposition to reform materialized when the president of the party at the time, Deputy Monckeberg, declared that the party would approve the project in “general” (p. 219–20). However, hopes of forming an extended coalition were truncated when the NM realized that RN’s willingness to reform was constricted to a project similar to the ones proposed by the party on 2006 (Prokurica 2.0) or the one produced by the RN-PDC in 2012. RN was not willing to approve the Government’s project.

The NM’s posture proved to be very effective. They could look back and argue that they had made efforts to invite other parties to collaborate on the project and vote in a new electoral system based on broad agreements and collaborative negotiations. At the same time, they could easily pass *their* project without those other parties, which, in general terms, is what they did.

After the government reached out to the different factions out of the NM coalition, they focused on getting the reform approved as swiftly as possible. They did not delay the discussion of voting on the project because there was no broad consensus reached in Congress. The NM was set on getting this reform approved: they had the majorities, and they were going to use them. To NM members, the use of legal majorities was a legitimate action that represented what democracy is all about. To others, mostly in the opposition, this strategy aroused critique. To them, it reflected the NM’s refusal to seek broad and negotiated agreements. The way the government was pushing and hurrying reform was seen more as an imposition of “circumstantial” majorities than a product of an exercise of inclusive negotiations and broad consensus. The idea that this reform was the product not of stable but circumstantial majorities led opposing Alianza members to question the longevity of the reform and the overall value of it. In their defence, NM members stated that they had been available to other parties during the process and that they had even negotiated with RN in an effort to broaden the coalition and reach a more comprehensive agreement with opposition parties.

So, was RN part of the pro-reform coalition? Yes, and no. Yes, because, when the time came, RN voted in favour in the general discussion of the project (in both chambers).

However, they did not promise or guarantee their votes for the project in particular. They agreed with reformers on the need to reform; however, they did not share the vision of the specifics of the project. On the other hand, no, RN was not part of the pro-reform coalition, in the stricter sense of the concept. They rejected the government's project based on similar arguments as their coalition partner, the UDI (unjustified increase in the number of legislators, the associated cost and the lack of transparency on the matter, the issue between the gender quotas and primaries, the lowering of thresholds to constitute and maintain a political party among others), and voted in block against most of the items of the project voted in particular.

In sum, although RN voted in favour of the idea of legislating on the matter (which differentiated them from the UDI), they were not part of the coalition that finally approved the reform. The coalition that approved reform was composed of NM, Amplitud, and most of the independent (NM-sympathizing) legislators.

#### **4.5 The Last Stage of Chile's Electoral Reform Process**

In April 2014, the last stage of a process of reform started at least 25 years ago began its final stage. From July 2014 to January 2015 the NM's legislative bill was discussed and voted upon.

The following sections provide an account of the issues and milestones that marked each of the instances of the last stage of the reform process.

##### **August 2014**

The discussion of the project in the Chamber began on August 13<sup>th</sup> (Session n° 56, Legislature n° 362). The instance was mostly made up of interventions of support to the project (in general) by NM, RN, Independent, and Amplitud bench chiefs and of the UDI's refusal to legislate on the matter. The UDI's critical tone at this stage can be summed up in deputy Arturo Squella's<sup>32</sup> announced that the party would vote against the project, under the notion that they would not take part in this political arrangement (pp. 8–9). Their refusal to vote in favour of the idea of legislating left them rather alone in this first stage, since RN was openly voting in favour of the idea of legislating.

It is important to note that although there was broad support for the project within the governing coalition, many NM and independent deputies manifested some level of

---

<sup>32</sup> He is also a member of the Constitution, Legislation, Justice and Regulation Committee.

apprehension over specific issues of the project. Among them, was the idea that the project could be “pushed further” (Deputy Jackson, p. 11); that they had “apprehensions regarding the ‘existence of mega-districts and campaign finance issues’” (Deputy Espinoza, p. 26); and that within the NM they could have “done more, agreed more, talked more” (Deputy Urizar, PS). The general tone of these interventions was that, the reform was a big improvement on the departing status quo, but that there were elements to be improved in the near future.

Despite qualms presented by deputies from almost all parties represented in the Chamber, the project was approved in two general votes. The first general vote was for the approval of letter b) of number 1), and numbers 5), 6), 7), 8), 9) and 16) of article 1° and articles 2° and 3°, which required the favourable vote of 68 deputies. These were approved with 86 votes in favour and 28 against with no abstentions. Of the 28 negatives, 27 were from UDI deputies, and 1 from RN deputy, Gaspar Rivas.

The second general vote was for the general approval of article 1°, number 1), letters a), c) and d); numbers 2), 3), 4), 10) 11), 12), 13),14), 15), 17) and 18), which required the favourable vote of 71 deputies. These were approved in general with 88 votes in favour, 27 against and 2 abstentions. The 27 negative votes were provided by the UDI, and the two abstentions were from RN legislators, Gonzalo Fuenzalida and Gaspar Rivas.

The voting in particular was more varied. There were modifications (e.g. letter a) of number 1) of article 1°, see pp. 64–65) that were unanimously voted in favour and others where UDI deputies voted with the NM and RN against it (e.g., particular vote for the approval of n° 3), 15), 17), and 18) of article 1°, see pp. 6364; or letter c) of number 1) of article 1°, see p. 67); and there were instances where RN and UDI voted more or less like a block, reaching up to 41–42 votes for the negative (e.g., numbers 7), 8), and 9) of article 1°, pp. 73–75).

The general trend was that NM and Amplitud voted in favour in all of the particular votes. Independent pro-reform legislators voted in favour in almost all particular votes, with exception of a few issues, mostly regarding independents’ ability to pact, the n +1 effect, and primaries. And for the UDI and RN, the trend was to vote against almost of the articles voted in particular, with a few exceptions where the article was approved unanimously.

Despite differences and Alianza efforts against it, the project was approved in particular and dispatched to the Revision Chamber that same day.

## November 2014

The discussion in general of the legislative bill began on November 11<sup>th</sup> and ended a day after, with the approval in general of the project (Session N°62, Legislature N°632).

The discussion then moved to the Senate. In a similar manner to that of the Chamber, senators from almost all political parties—with the exception of the UDI—voted in favour of the idea of legislating. Just as UDI deputies had been in the Chamber, UDI senators were especially critical with the NM's project. Among the arguments behind their vote against the idea of legislating were the ideas that “the project was just too bad to approve” (Senator Coloma, p. 148); that “they cannot support a bad project” (Larraín, p. 150<sup>33</sup>); that “this is bad for Chile” (Senator Pérez Varela, p. 158); and that they “prefer to vote against everything, unless they present another project” (Senator Moreira, p. 144), (see History of Law N° 20.840).

UDI members in both chambers were acting as a disciplined and homogeneous block against the NM's project. If they were to legislate on the matter, they would do so over a different project, one proposed under their terms.

RN members also acted accordingly to party plans: they were to vote in favour in the general vote, because as a party, they were convinced that the binominal system needed to be reformed. However, they, as deputies in the Chamber had done earlier, would not promise their votes in the voting in particular. In general, most RN senators respected their agreement and voted in favour of the idea to legislate.

Concern over some of the specifics of the government's project also preoccupied some of the NM's senators who voted in favour at the general vote. PDC Senator, Adolfo Zaldívar, indicated that “he would vote in favour of the idea to legislate, but that the project needed to be improved in the voting in particular” (p. 150); PS Senator Isabel Allende argued that although she supported the project, there were issues in it that should be addressed and improved (p. 162); PDC Senator Carolina Goic stressed that the issue of the “macro-zones” should be revisited (p. 168); PS Senator Juan Pablo Letelier stressed that “the proposed formula could be better” (p. 175).

As the statements above portray, there was in the general voting in both chambers a clear majority in favour of legislating on the NM's proposal of electoral reform. At this stage,

---

<sup>33</sup> Senator Larraín event stated that the project was unconstitutional (p. 528).

pacts and agreements between the NM and other outside factions held. RN voted with the NM on the general vote, leaving the UDI alone in opposition in this initial vote. Amplitud also voted in favour, without any interventions or comments regarding specific issues of the project.

It is interesting to note that in both chambers, there were NM legislators who, despite voting in favour of the project in general, manifested apprehensions and some level of criticism with the project—as it was.

The project was approved despite the fact that there was a significant number of senators, from both the government and opposition, who had reservations with the project in particular. What seemed to be most important to the reforming legislators was to eliminate once and for all the binominal system. Legislator interventions in this stage show a need to produce this historical milestone, even if they are not completely satisfied with the new system proposed. Their hopes seem to be set on producing the reform and hoping that the project could either be modified during the discussions in particular or in the near future, following the gradual process electoral reform has been characterized by.

### **January 2015**

On January 5<sup>th</sup> the Senate was given the report of the Commission of Constitution, Legislation, Justice and Regulation, and on January 12<sup>th</sup> that of the Commission of Treasury. On the 13<sup>th</sup>, the discussion in particular took place.

It is in then that the RN distanced itself from the NM and aligned itself with coalition partner, the UDI. Just as they had announced, they would not support the government's project in the particular vote.

The discussion in particular of the project took over 20 hours, culminating with the anticipated approval of the project, in spite of the Alianza's disapproval. As expected, Senator Lily Pérez and Senator Antonio Horvath (and at times Senator Bianchi) provided the necessary votes to approve the project in particular. Not once did they vote with the Alianza.

Although the NM managed to approve the project in the Senate, there were many controversial aspects that aroused debate with Alianza members and at times between NM partners. Among the most controversial aspects discussed in particular were: (1) the negative effect the new legislation would have on independent candidates, (2) the effect

gender quotas had on primaries, (3) the effect and justification of the N+1 rule regarding candidates, (4) the effects of the reduction of the required quorum for the formation and maintenance of political parties, (5) the drawing of the new districts, (6) the new composition of the Senate, and (6) the financing of the new legislators.

One of the only things the Senate managed to agree on was the elimination of the normative ruling electoral propaganda and its financing, since the Commission of Constitution had suggested that the government propose a motion to rule over those issues separate from the reform.

After long hours of debate, the project was approved with modifications. It was returned to the Chamber of Origin, to initiate the third and final Constitutional Procedure.

On January 20<sup>th</sup> the Chamber of Deputies received the legislative bill with modifications made in the Senate. The Chamber was to discuss and approve the indications proposed in order to finally dispatch it. Once modifications were approved, the project was finally dispatched.

#### **April 2015**

After being reviewed by the Constitutional Tribunal, the legislative bill reforming the binominal system was promulgated in the Official Journal on April 27<sup>th</sup> as Law N° 20.840.

#### **4.6 The New Electoral System**

The resulting reform increased the number of legislators to be elected from 120 to 155 in the Chamber of Deputies and from 38 to 50 in the Senate. Deputies will now be elected in 38 districts (instead of 60), and the established district magnitude now varies from 3 to 8 depending on the district.<sup>34</sup> For the Senate, circumscriptions were reduced from 19 to 15, with a variable magnitude of 2 to 5. The new system keeps the D'Hondt formula for determining those elected.

Each competing list may include as many candidates as seats up for election, plus one (N + 1). Lists remain open, and pacts between parties (at the national level) are allowed. Gender quotas will apply to all competing lists. No gender is allowed to exceed 60% of

---

<sup>34</sup> Distribution of the district magnitude is to be reviewed every ten years based on the proportion of population of each district.

the total number of candidates presented by the list (without regard of the form of nomination). In addition, the amount of state reimbursement for each vote received by women candidates was increased, and parties will receive a bonus (about US\$ 20,000) for each elected woman. The quotas and incentives will only be applicable for the 2017, 2021, 2025, and 2029 legislative elections.

Law N° 20.840 also modified the requirements to create new parties. From now on, parties will be able to be constituted in a single region (before it was 8 or 3 continuous ones) with a requirement of 0.25% of the equivalent number of signatures of the voters in the last election of deputies (before it was 0.5%) (Gamboa and Morales, 2016).

#### **4.7 The Motives and Objectives Behind the Electoral Reform**

The following section analyses the reform from two viewpoints: the first studies the motives and objectives declared from a broad perspective and the second, from a narrow one. What was the project designed to achieve? What were the broad democratic values that inspired and pushed the NM's electoral reform agenda? On the other hand, what were the narrow motives and objectives the NM had, if any?

President Bachelet's project focused on improving six elements of the electoral system: (1) reducing vote inequality, (2) allowing the representation and inclusion of all significant political currents, (3) increasing competitiveness and uncertainty in legislative elections, (4) facilitating the expression of majorities and the representation of minorities, (5) promoting a Congress that reflects society's diversity, and (6) avoiding leaving out candidates with large number of votes.

The legislative discussion revolved around the project's actual ability to produce said objectives and the existence other motives behind them.

One of the objectives that was not stated in the project but was consistently verbalized by NM legislators was the idea that this project had the power to put an end to the binominal system, as if that were the main objective. The tone of the legislative interventions during floor discussions made it seem at times that NM legislators were available to vote in favour of almost anything in order to put an end to the binominal system. This idea is reinforced by the fact that the project was found deficient not only by the UDI and most members of RN, but also by many members of the NM. It was almost as if they were continuing in the "gradual logic" of reform, even though they had designed the project

and had the majority to approve it. They seemed eager to use their majoritarian status in Congress to approve the proposed proportional system now and fix it later. The idea is captured by a statement given by the man in charge of leading the operation from the government: Minister of Interior Rodrigo Peñailillo stated that “the central issue is to put an end to a perverse system” (*La Segunda*, 13-08-2014).

Of the declared objectives, improving vote equality was one of the most debated issues. When the Minister of Interior addressed the Chamber during the general discussion of the project, he claimed that “in Chile, the value of the vote depends on the place in which it was emitted” (History of Law N° 20.840, p. 89). His statement reflected the government’s view on the principle that was currently being violated by the standing electoral system: it was not fair that the vote of one citizen weighs more than another one in different regions of the country (*idem*). He argued that the government saw two roads to increasing vote equality: they could either make an effort and raise the number of legislators, or they could remove some from less populated territories.

While the NM argued that vote equality could be improved by an increase in the number of legislators, members of the Alianza contended that there were different ways to improve the proportionality of the vote without increasing the number of legislators. Deputy Coloma (UDI) rejected the increase, standing by a proposal from his party, which while maintaining the number of deputies, they believed achieved better vote equality.

Alianza legislators question the validity of the NM’s motives for the increase, because, according to their research, vote equality could be improved without increasing the number of legislators. There were two different proposals drafted by Alianza legislators (see the UDI and RN-PDC proposals) that suggested a no-increase solution and a more conservative increase at most, respectively. To them, it was unthinkable to talk about increasing the number of legislators for the time being, which was a period in which political parties, Congress, and legislators were being highly questioned by society; and it was not at all necessary, if they restructured the system in a different manner than that suggested by the NM.

The Alianza’s preoccupation with the perverse effect the NM’s proposal would have on vote equality was a matter highly questioned by pro-reform legislators. Many wondered and openly questioned why they didn’t they manifest their disapproval or do something

to address vote inequality with the previous districting, under which votes are much more unequal than with the districting suggested by the project.

The difference was that the NM was comparing the improvement produced by their project to the vote equality produced by the binominal, while the Alianza was analysing the executive's proposal, without consideration of the previous arrangement. The fact was that the project did reduce vote inequality. Not to perfect standards, but it did represent an improvement on the previous situation. As Gamboa and Morales (2016) show, vote inequality with the binominal system was rather high (it exceeded 17.8% when calculated using the Loosemore and Hanby index (1971)). This figure was reduced with the proposed re-districting to 10.6% in the Chamber.

While NM legislators focused on the improvement made by the project, Alianza legislators refused their solution, arguing that they had proposed better ones. Based on discussions in both chambers, Alianza legislators believed that if improving vote equality was truly the objective, then this could be "better achieved" by their proposals, without increasing (or not to such extent) the number of legislators. There were many instances where RN legislators stressed that the project created under the RN-PDC arrangement produced better results in terms of vote equality. Discussions came to a point where they accused the PDC of breaking their word and could not understand why others were now supporting a less efficient project. They openly questioned their pact partners: why would they choose a "worse" solution?

The answer came in the much-repeated formula of the "well-tailored suit." Opposition legislators, unable to accept the PDC's decision to vote in favour of the project, began to use the expression that the only explanation available was that the NM was pushing forward a reform customized to the needs of the governing coalition. To them, it was a measure chosen based not on its equalizing effect on votes but on the need to increase the number of legislators (and candidates) in order to "avoid fights within the NM" (Deputy Coloma, p. 140).

Having more legislators was not the only issue that confronted the Alianza and the NM. The increase would be applied in conjunction with newly drawn districts, which, according to the proposal would have several advantages. In addition to improving vote equality, reducing the number of districts was expected to help in the inclusion and representation of all significant political currents. The number of districts would be

reduced by merging current districts, creating larger ones were the number of elected deputies and senators could be increased (from a minimum of 3 to a maximum of 8). The increase of district magnitude would contribute to “lower[ing] access barriers for minority sectors” (p. 89).

The Alianza’s critique regarding the re-drawing of the districts was the logic behind it. While the government presented the decision as one that would contribute to producing the declared objectives (see above), the Alianza claimed that they were designed to ensure incumbent re-election (in order to secure support for the reform) and benefit the coalition in future elections. The fact that the new districts practically ensured incumbent re-election is difficult to dispute. The new, larger districts were drawn according to three criteria (History of Law N° 20.840, pp. 89-90): (1) the territorial extent of the new districts will not exceed the margins of a region, (2) the new districts will be generated based on previous ones, and (3) the new seat allocation will not reduce current territorial representation.

In spite of the fact that these criteria more or less assured incumbent re-election after reform (91% for the NM according to Gamboa and Morales, 2016), the Alianza did not approve of the new districts and argued that the project could have done better. The fact that the reasoning behind the construction of the districts was not presented or justified during discussions intensified the idea among the Alianza that they were drawn according to “the logic of political agreements” (Chahuán, p. 533).

There were apprehensions among NM members regarding the new districts. Among the issues raised was the fact that the new “mega-districts” would have a detrimental effect on the relationship between the legislator and their electorate and that their (large) size would have an increase in the cost of political campaigns—especially by women—and ultimately favour those with more resources (Deputy Marisol Turres, History of Law N°20.840, p. 93).

Bolstering the Alianza’s logic behind the creation of the new districts, Gamboa and Morales (2016) state that the evidence does not support the idea that the redistricting was “tailor made” (p. 141). According to their analysis, the “correlation between the levels of over- and underrepresentation per district and the percentage of the NM’s votes in the 2013 election of deputies was close to zero, and therefore did not necessarily favour the NM ( $r = 0.3$ ;  $p = 0.1$ )” (p. 141). With this in mind, and the fact that vote equality in the

Senate decreased with the reform (from 30.7 to 32.6), they conclude that (1) it did not specifically favour the NM and (2) because it did not necessarily favour the NM, results show that it was unlikely that improving vote equality was truly the reform objective. I will get back to this matter later on in this section.

A third issue that confronted NM and Alianza members in the discussion of the project in particular was related to the increase of system competitiveness and uncertainty. The NM's need to solve internal issues was a crucial part of their initial (M x 2) proposal. With this arrangement, in districts with M3 (the lowest), each list would be able to present up to 6 candidates and in districts with M8 (the highest), each list could present up to 16 candidates. This would certainly solve internal candidate nomination problems within the NM, but the figure was highly criticized and after negotiations, was modified to (M + 1).<sup>35</sup> One of the strongest arguments made against the (M x 2) rule, was the negative effect it would have on independent candidacies. As Gamboa and Morales (2016) state, "the M x 2 rule would lead to the presentation of too many candidates and would favour the best-resourced parties at the expense of independents" (p. 134), particularly in larger districts. For example, in districts with magnitude 8 where each list can present up to 16 candidates, with two other lists competing, an independent (out-of-pact) candidate (who represents a list by himself) would be competing against 32 other candidates. In this scenario, independents were likely to disappear. Although it directly affected their internal situation, the government agreed to modify the rule to (M + 1), a situation that still affected independent candidacies, but not as harshly as the (M x 2) rule.

The NM justified the measure by arguing that more candidates would contribute to improve the choice of who will represent them to the people. They appealed to the fact that without the increase of candidates, choices would continue to be made within and among parties, without considering elector preferences (History of Law N°20.840, p. 3). According to the NM's claims, increasing competitiveness and uncertainty was also expected to have a positive effect on voter turnout. However, it was no secret that the measure lightened candidacy negotiations within the NM.

The Alianza found the rule extremely unnecessary for large districts, but reasonable for smaller ones. As Senator Allamand (RN) inquired, why would they apply the (N + 1) rule to districts with magnitudes of 6 or 8? If, as is usual, there are up to 6 competing lists per

---

<sup>35</sup> or (N + 1)

district, and there is a magnitude of 8 and a rule of  $(N + 1)$ , large districts would have up to 54 candidates, which is, according to the Senator and other members of the coalition, an unjustified amount. The increase in magnitude would immediately produce a more prolific set of candidates. For example, with the binominal, all districts, no matter their population, elected two legislators. With the reform, all districts would increase in at least one seat, meaning that even districts with the smallest magnitude would be able to choose from a wider list of candidates (e.g., with  $M = 3$ , lists could double the number of candidates  $(3+1)$  in comparison to the binominal).

Since the Alianza considered that there was actually no need (in terms of the objective) to increase in such terms the number of candidates per list, they argued that the only explanation for the rule was based on political pragmatism. Senator Von Bäer argued that the reform was made in this manner because “the NM needed more seats because there are too many parties conforming the coalition and they were having trouble reaching agreements” (History of Law N° 20.840, p. 411).

In spite of opposition from the Alianza and specific independent legislators (particularly Senator Bianchi), the  $(N + 1)$  rule was approved. It was a more modest victory for the NM, but it still improved the NM’s situation in comparison with the binominal setup (Gamboa and Morales, 2016).

Also placed under the reform’s objective to promote inclusion and representativeness was the gender quota rule. The legislative bill stated that Congress needed to advance towards a more proper representation of men and women and in order to achieve this, the contained the requirement that no gender be represented over  $3/5$  or under  $2/5$  of the total number of candidates on any list. The norm was proposed as transitory and was to be applied to the 2017, 2021, 2025, and 2029 legislative elections.

It was not the quota that inflamed the discussion among factions, but the conflict it generated with primaries. Most legislators intervening in this discussion agreed that there was a clash between two very important principles: participation and inclusion. Legislators supporting the NM’s proposal argued that in reality, the quota would not affect the real percentage of executed primaries, which did not surpass 10% of the territory (Goic, p. 364). Therefore, the government’s proposal to establish primaries for 40% of the territory was an adequate solution to combine the principles at conflict.

This was not a good enough compromise for Alianza legislators. What they were unable to comprehend was why a measure that was so fought for a few months back was now so irrelevant to NM legislators. The Alianza, which had not been enthusiastic about primaries when they were debated, saw itself as the only faction concerned with protecting them from the quota effect, when it had been an issue relevant to everyone just a few months back. To them, it was not an issue of not having both principles respected, but when each one was applied. What they suggested was that the quota be applied to the primary candidate lists (indications 3 and 4 to suppress letter b) of article 1°) and let people choose the candidates from a gender balanced list. Placing the quota in the final list (after primaries) presented more of an imposition than a result of participation (Senator Von Bär, p. 362).

Not contemplated by the government in the original project, but introduced after negotiations between Amplitud members and independent legislators, indications regarding the requisites to constitute a political party were presented. In order for them to support reform, the government would have to accept the indications presented during the negotiations in order to secure the required quorums.

The objective was to lower the thresholds to constitute and maintain the legal status of political party. The reform lowered them to a level where it was easier to constitute a regional party than to compete as an independent candidate. The modifications contemplated the reduction of the number of signatures needed to form a party from 0.5% to 0.25% (according to electoral participation in the immediately preceding election of deputies; Gamboa and Morales, 2016) and the decrease of regions needed to form a party from eight or three adjacent regions to one.

There were many NM and Alianza legislators who opposed this modification (including the Commission, which voted to maintain the 0.5% rule), declaring it a mistake. Those against the measure argued that it would have an inadequate multiplying effect on parties (Senator Navarro, p. 445), which in turn would lead to governability issues (Senator Von Bär, p. 448). The risk of fragmentation of the system was a price the government and the NM were willing to pay in order to put an end to the binominal era (Gamboa and Morales, 2016, p. 134).

The paragraphs above reviewed the main issues of the legislative debate. They have been discussed mostly in an “for or against” logic. Despite the fact that the Alianza opposed

many of the indications and appealed to the Constitutional Court regarding some of them, the electoral reform was approved by majority and there were few changes introduced during the process.

As many opposition senators complained, the reform was pretty much “cooked up” in the Chamber of Deputies. Despite efforts made by the Alianza to modify the districting and composition of the lower chamber, the executive’s proposal remained unaltered in this matter. What the Senate did manage to change was the original number of senators assigned to the Metropolitan Region from 7 to 5, granting another senator to the regions of Antofagasta and Los Ríos, which ended up with 3.

The objectives declared in the legislative bill supported the idea that the reform was had the intention of expanding and guaranteeing in a more complete manner broad democratic values. Each one of the measures promoted by the reform were justified as either improving vote equality, improving representation, increasing competitiveness and uncertainty, and facilitating the expression of majorities while allowing representation of significant minority. However, the project was not just meant to improve the electoral system in terms of democratic values, but to strategically solve coordination issues within the ruling coalition.

In the following section, I analyse the narrow set of motives and objectives associated to each of the involved factions regarding the design and pursue of electoral reform.

#### **4.7.1 Improvement of Legislator Re-election Prospects**

Improvement of re-election prospects is one of the few narrow (self-serving) motives incumbents have to pursue or support reform. There are, however, instances where incumbents would support reform even though it does not improve their current chances of re-election.

As reviewed above, the reform under study did not improve re-election conditions, but it did not worsen them either—in most cases.

The government was aware that they were asking legislators to support a reform that could jeopardize their re-election. In order to secure support from incumbent legislators, the project needed to provide some re-election security for them. To produce such certainty, the NM had to consider that the increase of the number of legislators in

conjunction with the new districts and their sizes would not threaten legislator re-election prospects (Gamboa and Morales, 2016, p. 130).

With this narrow motive in mind, the criteria for the new drawing of districts is self-explained: (1) the territorial extent of the new districts will not exceed the margins of a region, (2) the new districts are constructed from the aggregation of current districts, and (3) the new seat allocation will not reduce (in absolute terms) current district representation.

In addition to favourable district size and drawing, the government made other efforts to ensure incumbent re-election. In order to make the proposal more attractive, the magnitude of all the new districts was increased by at least 1 compared to the magnitude of their previous districts under the binominal (idem, p. 131). With these incentives, the reform predicted the re-election of about 91% of NM deputies.

With re-election practically secured, NM incumbents were more open to supporting electoral reform. Once their individual risk of supporting reform was minimized, incumbents were more inclined to pursue objectives that would benefit not only them, but their party's and coalition status, as well as other "broader natured values."

#### **4.7.2 Improvement of Party Seat-Share Prospects**

One of the issues the reform sought to solve was the conflict between parties in the NM concerning candidate nominations. The binominal system logic strained both interparty and intraparty relations (Gamboa and Morales, 2016). The reform was expected to lessen candidate nomination problem among NM parties and at the same time, improve coalition parties' seat-share prospects. With more seats per district and the possibility to present at least one more candidate than seats available per list, conflict regarding who would have to drop a candidate would be reduced, and more parties would be able to achieve candidacy status and seats in case they resulted elected.

Although the executive's objective was to reduce intraparty and interparty conflict, there was one aspect of the project that actually fuelled conflict within the NM (particularly between the PS and the PDC): the pact and subappartment rule. Originally, the proposal established the possibility for parties to create intra-alliance pacts, or subapparentments, either between them or with independent candidates within their pact.

The rule was expected to promote the inclusion of smaller parties, which was one of the issues the NM needed to attend to in order to appease the smaller parties in their alliance (PC, PPD, PRSD and PS). The NM expected that sub-pacts would provide smaller parties better chances of gaining seats, and better conditions would reduce tension within the coalition. However, although the measure was implied to improve competitive conditions for smaller parties and “make it right with them,” it made other, larger parties “worse off,” or at least that is what the PDC believed. Once again, the NM had to figure out how to navigate a rule that strained relations within.

The sub-pact rule was not well received by the PDC, who argued that the rule would “distort proportionality” (Mauricio Morales, *La Tercera*, 23-05-2014) and violate the election of the majorities within the list (Matías Walker, *El Mostrador*, 08-05-2014). The PDC suspected that if subapparentments were allowed, the smaller leftist parties would form one against the PDC, affecting the number of seats it could obtain (Gamboa and Morales, 2016, p. 133). By suppressing subapparentments among parties, each party would become a natural subapparentment. This way, when votes were counted, seats would be distributed according to the electoral strength of each party, instead of the strength of the subapparentment (Mauricio Morales, *T13*).<sup>36</sup>

The PDC did not hesitate to make their discontent with the measure known to the executive. As the largest party in the NM, the PDC knew its votes were needed to approve the reform, and it used that advantage to negotiate the removal of subapparentments from the project. The party sat down to negotiate with Minister Peñailillo, who understood this was an issue that the PDC would not back down from. With reform quorums in mind, the government decided to remove subapparentments from the project through an indication presented by the executive on July 2014.

The request did not pass without conflict in the coalition. PC and PS members criticized the PDC of nothing other than “tailoring a suit”<sup>37</sup> (an argument that the right used in the discussions to refer to specific matters of the reform) by eliminating the possibility of subapparentments. Although the indication to remove subapparentments was approved by the lower Chamber’s Commission of Constitution Legislation, Justice and Regulation, the PS declared that they would pursue the issue in the Senate (*La Tercera*, 18-08-2014).

---

<sup>36</sup> <https://www.t13.cl/blog/columnas-mauricio-morales/crisis-del-frente-amplio-cuestion-numerica>

<sup>37</sup> Comment made by PC Deputy, Guillermo Teiller.

Despite these efforts, the reform was approved without the possibility of subapparentments.

The fight over subapparentments within the NM portrays an issue over which parties sought to obtain what they considered to be a better electoral scenario for themselves (parties). While smaller leftist parties fought to keep the rule expected to increase their seat share, the PDC—the theoretically most-affected party—rejected the measure, which was expected to reduce it.

In the end, the NM needed the PDC votes. They knew that the other parties would still support reform; hence, they gave the PDC what they were asking for. The “subapparentment feud” portrays the narrow interest of NM parties. Both factions involved (PDC versus PS/PC/PPD/PRSD) pursued the improvement of their parties’ chances of gaining (or maintaining) their seat with this item of the reform. While the smaller parties were trying to improve them, the PDC was trying to protect without worsening them.

#### **4.7.3 The Coalition’s Prospects**

As Gamboa and Morales (2016) argue, the reform’s main objective was to solve internal issues within the NM. As previously described, because of the large number of parties conforming the coalition, arranging candidate lists within the coalition was becoming a hard task. The number of candidates per list allowed by the binominal, two, generated growing conflict between and within parties.

As a coalition of seven parties, 120 seats in the Chamber and 38 in the Senate were insufficient when negotiating candidate lists among parties. In order to survive, the NM understood that they had to increase the number of candidates each coalition could present. This is why the original legislative bill suggested the  $(M \times 2)$  rule, hoping it would solve their internal conflict over candidacy negotiations. This modification was not accepted and was replaced by  $(M+1)$ . Although the NM did not get the number of extra candidates they were looking for, they managed an amount that would mean that from now on, “in most districts, parties would no longer have to drop out, lessening the tension of intra-coalition negotiations” (Gamboa and Morales, 2016, p. 138).

In addition to the  $(N+1)$  rule, the project increased district magnitude in all districts. This meant that every district would be able to have  $NM + 1$  (new magnitude) candidates.

Therefore, for the least increased districts, this would be 3 + 1 candidates, double as many as the original and for the most increased, 8+1 candidates, over four times the original amount. Both measures were expected to reduce conflict within the NM. This way, parties would not feel the need to leave the coalition, since the reform reduced negotiation strain by increasing the number of candidates per list, allowing parties to have candidates in almost every district (*idem*, p. 137).

In this case, the executive had the incentive, since the survival of her coalition was at stake. The executive had two distinct motivations behind the electoral reform: a “general interest” or “broad” one and a “narrow” or “self-interest” one. The first was to put an end to the binominal, a task that had not been accomplished by any government since the return to democracy; and second, to reduce the costs of negotiation of candidate lists within the ruling coalition. Both were achieved.

### **Final Remarks**

The chapter’s objective is to identify and analyse the contingent factors that contributed to the triggering of the reform in an already prepared environment (inherent conditions). Chapter 4 can only be understood as a complement to Chapter 3. While Chapter 3 focuses on studying the gradual process in which reform conditions (inherent conditions) were achieved, Chapter 4 analyses the factors that triggered reform in that specific place, time and form.

Why did reform happen during 2014–2015 and not before? Even if the inherent conditions were already there? The chapter’s answer is based on the fact that the contingent factors were not there before.

Electoral reform was triggered by a set of complex contingent factors that, as a whole, served to initiate and successfully see the reform approved. Among the factors identified, the chapter discusses the effect the Piñera’s administration had (1) in the fractioning of the Alianza and RN’s resulting approach to the PDC and the NM as a reformist party and (2) the handling of the social mobilization and popular demand for comprehensive reforms, which boosted the candidacy of Michelle Bachelet and her extensive reform program. The chapter also analyses the relevance the 2013 elections had in the configuration of the new status quo in Congress. The main idea being that these majorities were one of the crucial contingent factors that finally enabled reform, since the reformist

coalition, had for the first time ever the required majorities to approve a reform to the binominal system.

In sum, the chapter reviews the role the contingent factors played in the generation of the electoral reform in an already enabled environment in hopes of answering the question of why reform happened when it did, the way it did.